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7 Attorneys for Defendant
TESLA, INC.

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 WAYNE SKILES,
13 Plaintiff,

14 v.

15 TESLA, INC., EXPERIAN INFORMATION
16 SOLUTIONS, INC., and SALESFORCE
VENTURES, LLC,
17 Defendants.

Case No. 3:17-cv-05434-WHO

**DECLARATION OF JEFFREY GUTKIN IN
SUPPORT OF DEFENDANT TESLA, INC.'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ITS MOTION TO COMPEL
ARBITRATION AND TO STAY PLAINTIFF'S
FIRST AMENDED COMPLAINT, OR,
ALTERNATIVELY, TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Date: May 16, 2018
Time: 2:00 p.m.
Courtroom: 2, 17th Floor
Judge: Hon. William H. Orrick

I, Jeffrey M. Gutkin, declare as follows:

1. I am an attorney admitted to practice law in the State of California and Partner at Cooley LLP, counsel for Tesla, Inc. (“Tesla”). I have personal knowledge of the facts herein and, if called to testify, could and would testify competently hereto.

2. Attached as Exhibit A is a true and correct copy of Experian Marketing Services’ (“Experian’s”) Mosaic USA Product Sheet, “Mosaic USA, Your Customer Segmentation Solution for Consistent Cross-Channel Marketing,” *available at* <https://www.experian.com/assets/marketing-services/product-sheets/mosaic-usa.pdf> on January 24, 2018 and referenced in the First Amended Complaint (“FAC”) at ¶ 30 n.3.

3. Attached as Exhibit B is a true and correct copy of Experian’s Ask Judy Column, “Ask Judy: Data Compliance Corner,” *available at* <https://www.experian.com/marketing-services/ask-judy.html> on January 24, 2018.

4. Attached as Exhibit C is a true and correct copy of Experian’s Mosaic USA Consumer Lifestyle Segmentation Page, “Target your audiences with precision and insight through Mosaic USA,” *available at* <http://www.experian.com/marketing-services/consumer-segmentation.html> on January 24, 2018 and referenced in the FAC at ¶ 87 n.8.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 24, 2018 at San Francisco, California.

/s/ Jeffrey M. Gutkin

Jeffrey M. Gutkin

ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from the other signatories.

Dated: January 24, 2018

COOLEY LLP

/s/ Michael G. Rhodes

Michael G. Rhodes

Attorneys for Defendant
TESLA, INC.